

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119,
Port Charlotte, Florida
Minutes of Regular Meeting
February 9, 2015 @ 1:30 p.m.

Call to Order

Chair Hess called the meeting to order at 1:30 p.m. and upon the Secretary calling the roll, it was noted a quorum was present.

Roll Call

PRESENT

Paula Hess
Michael Gravesen
Ken Chandler
Stephen Vieira
Paul Bigness

ABSENT

ATTENDING

Joshua Moye, Assistant County Attorney
Gayle Moore, Recording Secretary

APPROVAL OF MINUTES

The minutes of January 12, 2015 were approved as circulated.

ANNOUNCEMENTS

None; the oath having been administered, the meeting commenced.

PETITIONS:

FP-14-12-02

Quasi-judicial

Commission District IV

Jack DeGagne has applied for a two-lot Minor Subdivision to be named Red Lobster Port Charlotte, located at 1331 and 1341 Tamiami Trail, Port Charlotte, Florida. The site is 3.8 acres, more or less, and is located south and east of El Jobean Road, south and west of Tamiami Trail, and north of Murdock Circle, in Commission District IV.

Staff Presentation

Steven Ellis, Planner II, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated January 21, 2015. He noted that the request arises out of a change in the business relationship between the local Red Lobster and Olive Garden restaurants and their parent company, Darden Restaurants. The request is to plat a two-lot subdivision, to properly separate the properties which will now be separate corporate entities. The result will be an additional lot line on the plat, but no physical changes to the properties are taking place.

Questions for Staff

Chair Hess noted that the matter appeared to be merely a paper transaction; however, she asked about the CCU comment of 'disapproved' on page two, where it also says that

CCU has no comments; **Mr. Ellis** suggested this was a typo in the staff report. **Assistant County Attorney Josh Moya** offered clarification on the process whereby County staff in one department may make a recommendation that other Planning staff may choose to ignore, based on their analysis of the issue raised. **Mr. Vieira** asked if the easement would remain under control of the Mall; **Mr. Ellis** indicated this would be the case.

Applicant's Presentation

Mr. Robert Vint, of L. D. Reeves, representing parent company Darden Restaurants, indicated he had nothing to add to the staff's conclusions.

Public Input

None.

- **Mr. Gravesen** moved to close the public hearing, second by **Mr. Chandler** with a unanimous vote.

Discussion

Chair Hess indicated that unless a member had any comments, **Mr. Chandler** could proceed with the motion.

Recommendation

Mr. Chandler moved that FP-14-12-02, be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated January 21, 2015, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

SV-14-12-03

Legislative

Commission District III

Michael Bossey is requesting to vacate all that portion of Winchester Avenue (platted, New Jersey Avenue) lying between Towhee Street and Placida Road, a total of 0.24 acres, more or less, as recorded in Plat Book 1, Page 4, of the Official Records of Charlotte County, Florida. The site is located south of Wyoming Avenue, north of Maryland Avenue, east of Holly Avenue, and west of Placida Road, in Section 17, Township 41, Range 20, in Commission District III.

Staff Presentation

Steven Ellis, Planner II, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated January 19, 2015. He noted that there are no density issues, as the property is zoned Commercial; the neighbor consents to the request, and will receive half the property as per state statute. The following condition has been imposed: That within 60 days of Board approval, the Englewood Water District utility will be provided an executed easement by applicant; failure to do so will void the grant of the street vacation.

Questions for Staff

Mr. Bigness referred to an issue raised by the surveyor, regarding the length of time people had been using the undeveloped road, and whether that created access; **Mr. Ellis** noted that might have been the basis for a legal challenge, but none have been raised.

Applicant's Presentation

Mr. Mike Bossey, applicant, noted that this request arose out of a previous road widening that eliminated his access from northbound Placida Rd.; he also mentioned his expenditures on the property to date, his efforts in clearing out a homeless camp nearby, and road damage resulting from improper use. **Chair Hess** noted that the general philosophy on undeveloped streets is to approve requests that put property on the tax rolls, as long as no denial of access would result.

Mr. Bossey asked if the utility easement he was obligated to give would reduce the value of the property and thereby lower his taxes; **Mr. Moya** indicated that was a question for the Property Appraiser to answer, but that in any event, the amount of tax increase would be small. **Chair Hess** suggested this issue be addressed after the two halves of the vacated property were both in Mr. Bossey's name, but agreed it would be a small amount.

Public Input

None.

- **Mr. Chandler** moved to close the public hearing, second by **Mr. Bigness** with a unanimous vote.

Discussion

None.

Recommendation

Mr. Bigness moved that SV-14-12-03, be sent to the Board of County Commissioners with a recommendation of *Approval with one condition*, based on the findings and analysis in the staff report dated January 21, 2015, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

There being no further business to come before the Board, the meeting was adjourned at 1:47 p.m.